

REMARKS/ARGUMENTS

Reconsideration of the Application in view of the above amendments, and the following remarks is respectfully requested.

The Examiner rejects claims 1 and 14 under 35 U.S.C. 112, first paragraph because in the limiting case having both one light source and and one detector a plurality of reflection paths would not be provided. Claims 4 and 14 have been canceled without prejudice. As will be explained below, the subject matter of these claims has been combined into Claims 1 and 8, respectively.

The Examiner has provisionally rejected Claims 1-3 and 8-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15, 17, 18 and 5-10, respectively, of copending Application No. 09/953,463.


Accordingly, the subject matter of Claim 4 has been combined with the subject matter of Claim 1 to yield a claim which is distinct from the '463 Application. In new Claim 1, a plurality of light sources is recited, which overcomes the Examiner's '112, first paragraph rejection of Claim 4. In view of the fact that this is now been incorporated into the independent claim, it was necessary to make Claim 5 into an independent claim as well since Claim 5 recites a plurality of detectors and a single light source. Similarly, Claim 8 has been combined with Claim 14 and the portion taken from Claim 14 has been amended to recite a plurality of light sources in order to overcome the Examiner's '112, first paragraph rejection of Claim 14. This necessitated the making of Claim 15 into an independent claim since Claim 15 recites a plurality of detectors and a single light source. Claims 7 and 17 have been have been amended to conform to the changes in Claims 1 and 8, respectively. Claims similar to claims 2 and 3 have been added as dependent claims from independent claims 5 and 15.

The Examiner has allowed Claims 18-20. The Examiner has stated that Claims 5-7, 15-17 are objected to as being dependent upon or rejected to base claim but would be allowable if rewritten in independent form to include all limitations of the base claim

an any intervening claims. The above discussion on the amendments to Claims 5 and 15 should render these claims allowable as well as the claims dependent thereon.

Accordingly, believe that the Application, as amended, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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